

**THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

Richard Horton,
Plaintiff,
v.
City of Columbus, et al.,
Defendants.

Case No. 2:23-cv-3888
Judge Algenon L. Marbley
Magistrate Judge Elizabeth Preston Deavers

**DEFENDANTS CITY OF COLUMBUS AND BRENDA WALKER'S
MOTION FOR LEAVE TO SUPPLEMENT DEFENDANTS' RESPONSE TO
PLAINTIFF'S MOTION FOR PROTECTIVE ORDER (ECF No. 76)**

Defendants Detective Brenda Walker and the City of Columbus respectfully move the Court for leave to file a supplement (of no more than three pages) to Defendants' Response to Plaintiff's Motion for Protective Order, ECF No. 76. This request is based on the discovery of new information regarding Plaintiff's undisclosed sources of income.

Respectfully submitted,

/s/ Aaron D. Epstein
Aaron D. Epstein (0063286) – Lead
Alana V. Tanoury (0092265)
Sarah N. Feldkamp (0099464)
David J. Dirisamer (0092125)
Samantha J. Scherger (0097690)
Assistant City Attorneys
CITY OF COLUMBUS, DEPARTMENT OF LAW
77 N. Front Street, Columbus, Ohio 43215
(614) 645-7385 / (614) 645-6949 (fax)
adepstein@columbus.gov
avtanoury@columbus.gov
snfeldkamp@columbus.gov
djjdirisamer@columbus.gov
sjscsherger@columbus.gov
Counsel for Defendants
Brenda Walker and the City of Columbus

MEMORANDUM IN SUPPORT

On April 18, 2025, Plaintiff filed a motion for protective order to preclude Defendants from using and disclosing bank records received in response to a third-party subpoena to Huntington Bancshares. MOT. PROT. ORD., No. 71. In the motion, Plaintiff argued that the bank records were exempt from discovery because he had already provided Defendants with complete information regarding his income for his lost-wages claim. On May 9, 2025, Defendants responded in opposition. RESP. TO MOT. PROT. ORD., ECF No. 76. Defendants cited evidence suggesting that Plaintiff's discovery responses concerning his income were incomplete, and therefore the bank records were relevant to show exactly how much income he was receiving.

On June 24, 2025¹, Defendants deposed Dwight Dorsey, Sr., a friend and former supervisor of Plaintiff. Mr. Dorsey testified that Mr. Horton had a delivery job that was previously undisclosed, and that the job was both prolonged enough and lucrative enough that Plaintiff bought a second vehicle to facilitate it.

There is good cause to grant leave because this newly learned information is relevant and not the result of a lack of diligence on Defendants' part. This employment information would have been responsive to Interrogatory 22 and Production Request 51, both of which were discussed in Defendants' Response, but was not mentioned. RESP. TO MOT. PROT., ECF No. 76-2, PAGEID # 2625-26, 2632; ECF No. 76, PAGEID # 2582-83. Additionally, Defendants have been diligent in obtaining additional information through third-party subpoena when new leads have arisen.

Permitting this supplementation will not cause any prejudice. Plaintiff is aware of his own employment history. Furthermore, Plaintiff's counsel represented Mr. Dorsey during his

¹ While Mr. Dorsey's deposition was taken less than one week before the fact discovery deadline, Defendants first requested deposition dates for him at least ten months earlier, in September 2024.

deposition and asserted attorney-client privilege for communications with him, so his knowledge should not be a surprise to them.

Respectfully submitted,

/s/ Aaron D. Epstein

Aaron D. Epstein (0063286) – Lead

Alana V. Tanoury (0092265)

Sarah N. Feldkamp (0099464)

David J. Dirisamer (0092125)

Samantha J. Scherger (0097690)

Assistant City Attorneys

CITY OF COLUMBUS, DEPARTMENT OF LAW

77 N. Front Street, Columbus, Ohio 43215

(614) 645-7385 / (614) 645-6949 (fax)

adepstein@columbus.gov

avtanoury@columbus.gov

snfeldkamp@columbus.gov

djjdirisamer@columbus.gov

sjscherger@columbus.gov

Counsel for Defendants

Brenda Walker and the City of Columbus

CERTIFICATE OF SERVICE

On June 30, 2025, I served a copy of the foregoing via the Court's CM/ECF system upon all parties of record.

/s/ Aaron D. Epstein

Aaron D. Epstein